

S.B. CR.MISC.BAIL APPL.NO.6931/2007.

Mst.Shahidan @ Wahidan & Ors.
Vs.
State

Date of order : 30/10/2007.
HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri A.K. Gupta for the petitioners.
Shri Harshvardhan Nandvana P.P. for the State.

Heard learned counsel for the petitioners,
learned Public Prosecutor for the State and perused
the relevant documents placed before me.

Learned counsel for the petitioners has
argued that the allegation against the petitioners
is of demand of dowry which compelled the deceased
Mst.Ruksina to commit suicide. The evidence which
has come on record during the course of
investigation suggests that the alleged demand of
dowry of motorcycle was made from the complainant
party for 'gona' of petitioner No.3 Maksood who was
married to younger sister of the deceased. It was
argued that offences u/Ss.498A and 304B IPC in
relation to dowry death can be alleged only in
relation to the marriage of the deceased and not
that of her sister. Even otherwise, the complanant-
party has arrived at settlement with the accused and

that the challan in the matter has been filed in September, 2007. Petitioners one of whom is a woman are behind the bars since 17/6/2007.

Learned Public Prosecutor has opposed the bail application and argued that factum of compromise between the parties would not be relevant at this stage for grant of bail. In view of seriousness of the allegations against the petitioners, they are not entitled to grant of bail.

Without expressing any opinion on the merits of the case but taking into consideration the aforesaid arguments and the fact that petitioner No.1 is a woman entitled to benefit of first proviso to Section 437(1) of the Code of Criminal Procedure, 1973, I deem it appropriate to enlarge her on bail but I am not at this stage inclined to enlarge petitioners No.2 and 3 on bail.

In the result, this bail application u/S.439 Cr.P.C. in so far as petitioner No.1 Mst.Shahidan @ Wahidan is concerned, is allowed but it is dismissed in so far as petitioner No.2 Risal and petitioner No.3 Maksoodand are concerned.

It is therefore directed that petitioner No.1 Mst.Shahidan @ Wahidan W/o Pappu shall be

released on bail in F.I.R. No.157/2007 P.S. Tapukada, District Alwar for offences under Sections 498A and 304B IPC subject to her furnishing a personal bond in the sum of Rs.30,000/- together with two sureties in the sum of Rs.15,000/- each to the satisfaction of the trial Court for her appearance before that court on all dates of hearing until conclusion of the trial.

(MOHAMMAD RAFIQ), J.

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